THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11003 OF 2006

06.06.2006

Between:
Yallapragada Nagaraju, S/o.Venkata Hanumantha Rao

… Petitioner

AND

The Joint Collector & Additional District Magistrate, Krishna
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11003 OF 2006

ORDER:

The present writ petition is filed questioning the order dated 20.3.2006 passed by the fourth respondent herein whereby and whereunder the order of the first respondent cancelling the assignment of house site patta made in favour of the petitioner was affirmed.

The petitioner's father occupied government land admeasuring Acs.0.05 in R.S.No.220/4 of Ullipalem village of Koduru Mandal in Krishna District. After death of the father, the petitioner constructed a brick walled house with asbestos roof and residing therein with his wife and children. He also alleges that from 1994-1995 till 2002-2003 he paid house tax to Ullipalem Gram Panchayat. In 2004, the Mandal Revenue Officer, Koduru (MRO) issued house site patta, after the petitioner allegedly paid market value in a sum of Rs.7,260/-. However, the second respondent cancelled the house site patta by proceedings dated 14.6.2004. The said cancellation was assailed in W.P.No.10142 of 2004. By order dated 21.6.2004, this Court allowed the writ petition giving liberty to the revenue officials to take appropriate action against the petitioner after giving notice. Thereafter the first respondent issued a show cause notice dated 06.10.2004 calling upon the petitioner to show cause as to why the patta should not be cancelled for contravention of condition No.9. The petitioner submitted explanation. After considering the same, by proceedings dated 06.6.2005, the first respondent cancelled the house site patta. Aggrieved by which he preferred appeal before the fourth respondent unsuccessfully.

Learned Counsel for the petitioner, Ms.S.Nanda, submits that the fourth respondent did not apply mind before passing the impugned order, that the impugned order was passed mechanically without verification of the record and without verifying the ground position. The learned Assistant Government Pleader for Revenue (General) supports the impugned order.

As rightly pointed out by the learned Assistant Government

Pleader, the assignment was cancelled as the encroachment made by the petitioner was regularized in contravention of the guidelines in G.O.Ms. No.515, dated 19.4.2003 in that the District Committee did not approve regularization of encroachments in Ullipalem village. Further, while giving the assignment/patta, a condition (No.9) was imposed to the effect that the assignment is liable to be cancelled if it is ultimately found that such regularization was made in contravention of the guidelines. In this case, there is no denial that the District Committee did not approve the regularization and therefore the assignment/regularization made by the MRO was *ex facie* in contravention of the guidelines. Secondly, the fourth respondent observed that the petitioner belongs to O.C. community, that he is working as a government teacher and therefore he is not eligible for assignment of house site patta. This finding is not seriously challenged before this Court. Lastly, the fourth respondent obtained connected records from the District Collector, Krishna and considering all aspects dismissed the appeal. The impugned order does not suffer from any infirmity.

The writ petition is therefore dismissed. No costs.

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(**V.V.S.RAO, J**)

June 06, 2006
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